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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,989	12/06/2000	Kentaro Nakada	HIG05 001	7372

7590 05/09/2003

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EXAMINER

NATNAEL, PAULO S M

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/729,989

Applicant(s)

NAKADA ET AL.

Examiner

Paulos M. Natnael

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the claimed ***"usually in combination to the receiver"*** renders the ***claim indefinite***, because it is unclear whether the limitation following the phrase is part of the claimed invention.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimakawa et al., U.S. Pat. No. 6,452,644.

Considering Claim 1, Shimakawa disclose the following claimed subject matter, note;

a) the claimed broadcasting a reception screen ... to a receiver by using data broadcasting band in television broadcasting, and also *broadcasting images of one channel of program and broadcast contents of plural programs used in data broadcast in the sound broadcasting band usually in combination to the receiver, and, at the receiver, selecting one desired program from the combined image and sound mixed signals of plural programs by the program already received, and displaying on the screen of the receiver and delivering the sound of this screen is met by Fig. 3, which is a receiver for receiving a data broadcast in the TV data multibroadcast sound subcarrier system.*

Except for;

b) the claimed broadcasting and a program for controlling the sound suited to this screen;

Regarding b), Shimakawa et al. disclose a method of controlling reception in data broadcast receiver. Shimakawa et al. disclose transmitting electronic program guide (EPG) and other programs. Shimakawa et al. do not specifically disclose "controlling the sound suited to this screen". However, Shimakawa disclose "A TV data broadcast system... The system allows data reception by mobile receivers and uses data signal subcarriers 4.5 fH and 7.5 fH (fH=15.73 kHz, the horizontal synchronizing pulse

frequency) within a sound signal band of a television signal as the transmission path.

The terrestrial data broadcast system provides programs such as: Electronic mail service; News, such as, newspapers, magazines, TV programs and others... (col. 1, lines 14-24)

Furthermore, Shimakawa et al. disclose that "reception control information is broadcast which specifies the broadcasting time of specific programs" (col. 3, lines 26-27) "It should further be noted that **the reception control information data itself maybe specified as a program**, the program number identifying the reception control information broadcast." (col. 5, lines 8-13)

Therefore, it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Shimakawa by adding a control information program specifically geared towards the sound or audio for the screen, in order to easily and unambiguously control the sound information in the screen and information data that has been transmitted along with the broadcast television signal.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dinsel, U.S. Pat. No. 5,325,127 discloses a process of transmitting digital data, in particular sound data, in TV channel.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (703) 305-0019. The examiner can normally be reached on 6:30am -3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Paulos Natnael
April 29, 2003

Pmn


MICHAEL H. LEE
PRIMARY EXAMINER